

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.; MICRON)	
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

JOINT MOTION FOR ENTRY OF AGREED DOCKET CONTROL ORDER

The above captioned cases are consolidated for all pretrial issues. Dkt. 39.

Pursuant to the Court’s sample Docket Control Order, Federal Rule of Civil Procedure 16(b)(4), and this Court’s Consolidation Order (Dkt. 39), Plaintiff Netlist, Inc. (“Netlist”); Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor Inc. (collectively “Samsung”); and Defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively “Micron”) file this motion for entry of an agreed Docket Control Order (“DCO”). A copy of the agreed DCO is attached herewith.

At the Scheduling Conference, this Court set the claim construction hearing for October 5, 2023, deadlines to file dispositive motions for January 22, 2024, and trial for April 15, 2024. The parties' proposed changes to the schedule do not affect any of these dates, nor any other date that requires a showing of good cause.

Accordingly, the Parties request that the Court enter an order setting the following deadlines as set forth in the accompanying agreed DCO:

Proposed Modification	Court's Deadlines	Items
	April 15, 2024	*Jury Selection – 9:00 a.m. in Marshall, Texas
	7 days before Jury Selection	*Defendant to disclose final invalidity theories, final prior art references/combinations, and final equitable defenses
	10 days before Jury Selection	*Plaintiff to disclose final election of asserted claims
	March 18, 2024	* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date.
	March 11, 2024	* Pretrial Conference – 9:00 am in Marshall, Texas before Judge Roy Payne
	March 4, 2024	*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
	March 4, 2024	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations

	February 26, 2024	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
	February 20, 2024	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
	February 20, 2024	Serve Objections to Rebuttal Pretrial Disclosures
	February 12, 2024	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
	January 29, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
	January 22, 2024	<p>*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.</p>
	January 8, 2024	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
	January 8, 2024	*File Dispositive Motions

		<p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
December 23, 2023	January 2, 2024	Deadline to Complete Expert Discovery
December 11, 2023	December 18, 2023	Serve Disclosures for Rebuttal Expert Witnesses
November 13, 2023	November 27, 2023	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
November 13, 2023	November 27, 2023	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
	October 26, 2023	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
	October 5, 2023	*Claim Construction Hearing – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap
	September 21, 2023	*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
	September 14, 2023	*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
	September 7, 2023	Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
	August 24, 2023	<p>Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)</p> <p>Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).</p>
	August 24, 2023	<p>Deadline to Substantially Complete Document Production and Exchange Privilege Logs</p> <p>Counsel are expected to make good faith efforts to produce all required documents as soon as they are</p>

		available and not wait until the substantial completion deadline.
	August 10, 2023	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
	August 3, 2023	File Response to Amended Pleadings
	July 20, 2023	*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.
	July 13, 2023	Comply with P.R. 4-3 (Joint Claim Construction Statement)
	June 22, 2023	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
	June 1, 2023	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
	December 29, 2022	Comply with Standing Order Regarding Subject-Matter Eligibility Contentions
January 26, 2023 (Approved Dkt. 47)	December 29, 2022	Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
	December 8, 2022	*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures) The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.
	December 1, 2022	*File Proposed Docket Control Order and Proposed Discovery Order The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.
	November 25, 2022	Join Additional Parties
November 17, 2022 (approved, Dkt. 47)	November 3, 2022	Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

The parties respectfully request that that Court enter the proposed DCO filed herewith.

Dated: December 1, 2022

Respectfully submitted,

/s/ Samuel F. Baxter

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Dated December 1, 2022

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Dated December 1, 2022

Respectfully submitted,

By: /s/ Mike Rueckheim

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***Attorneys for Micron Technology, Inc.,
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*Inc., and Micron Technology Texas,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel of record by email on December 1, 2022.

/s/ Yanan Zhao
Yanan Zhao

CERTIFICATE OF CONFERENCE

The undersigned hereby that the relief requested in this motion is unopposed.

/s/ Yanan Zhao
Yanan Zhao